

Chadds Ford Township Board of Supervisors Meeting  
September 8, 2003  
M I N U T E S

OFFICIALS PRESENT:           James E. Shipley, Chairman  
                                  Deborah Love D'Elia, Vice Chairman  
                                  George M. Thorpe, Member  
                                  Hugh A. Donaghue, Esquire, Township Solicitor  
                                  James C. Kelly, Township Engineer  
                                  Richard J. Jensen, Building Inspector, CEO  
                                  Maryann D. Furlong, Secretary/Treasurer

**CALL TO ORDER**

Mr. Shipley called the meeting to order at 7:30 PM. Those present gave the Pledge of Allegiance.

**TURNER'S MILL PRESENTATION – John D. Milner, AIA**

Mr. Shipley introduced John D. Milner, AIA, who presented a proposal to restore/convert Turner's Mill, the Township's property at the corner of Route 1 and Ring Road, into a new Township Hall. Mr. Thorpe said that the Township Property Committee had been considering such a proposal for the past several years and after considerable review, had recommended moving forward on the project to the Board of Supervisors.

Mr. Milner gave a brief history of the property. The structure was built in 1866 as a grist mill by Mr. Turner. From 1898 through 1903 it served as studio for artist Howard Pyle. Later during the twentieth century, it was converted into a two part house. The structure burned at some point thereafter. The original form was 2-3 feet taller than what is currently visible. Only the vertical walls of the original structure remain with a temporary roof.

The goal is to restore and preserve the remains and incorporate new space for a Township building. Mr. Milner displayed two models of the proposed structure and a floor plan. The plan includes a reception area, a large meeting room that would accommodate approximately 80 residents, secretarial space, a building inspector's office, a conference room, a work station, two rest room facilities and extra space for storage. The addition will be one story to avoid accessibility issues and to provide the best visibility for the historic portion.

Further topics of discussion included the basement area, parking, exterior finishing materials, and ingress and egress points. Access to the building would be from Ring Road.

**PUBLIC COMMENT – TURNER'S MILL**

Mr. Robert Reardon asked if Mr. Milner was comfortable with the grade of the area regarding possible flooding. Mrs. Susan Darrow commented that she had always been told the property was a flood plain. Mr. Thorpe replied that a study by Kelly Engineers had concluded that the structure sits outside the floodplain. Mr. Milner added that state of the art waterproofing and drainage will also be available for the new structure.

Favorable comments were made by numerous residents in the audience. Mr. Fred Reiter commented on several details of the original building. Mrs. Debbie Reardon asked if

preservation of Turner's Mill will still take place if a decision is made not to proceed with plans to use the property for a Township Hall. Mr. Shipley suggested that although the question was pertinent, discussion should be tabled pending a decision by the Board as to whether or not to proceed with the plan.

Mr. Shipley reviewed problems with the current building at 10 Station Way, such as the constant flooding threat, inadequate seating space, accessibility issues, parking limitations, etc. Mr. Shipley spoke for the Supervisors in expressing excitement over the prospect of a new Township Hall and the possibility of converting a historic property for future use. The Supervisors will proceed with the next step of obtaining a cost estimate and available financing and also asked for continuing input from residents. The Township Solicitor has advised that the decision to proceed must be made by the Supervisors and cannot be put to a referendum vote.

## **PUBLIC COMMENT – CHADDS FORD RESIDENTS**

### **RACHEL KOHL COMMUNITY LIBRARY APPOINTMENT**

Mrs. Love D'Elia presented background information regarding the Rachel Kohl Community Library, including the fact that Chadds Ford Township has never had a representative sitting on the Board of Trustees. Mrs. Sandie Paul, a resident of Chadds Ford had expressed an interest in serving on the Library Board.

### ***MOTION TO APPOINT REPRESENTATIVE – RACHEL KOHL COMMUNITY LIBRARY***

Upon motion and second (D'Elia, Thorpe), the Board of Supervisors unanimously appointed Sandie Paul to serve as a representative from Chadds Ford Township to the Rachel Kohl Community Library's Board of Trustees. Such appointment shall be for four years and become effective immediately.

Kathleen Pileggi, Vice President of the Library Board, thanked the Supervisors for making the appointment. Mr. Shipley announced that a referendum will appear on the November ballot concerning an additional tax of \$1.20 per \$100,000 of assessed value for the operation of the Library.

## **TOLL BROTHERS UPDATE**

Mr. Shipley reported that within the last month, meetings had taken place among Township officials, including the Township Zoning Officer, the Township Solicitor and the Township Engineer, to carefully review Township ordinances as to what may or may not be permitted for the proposed development of the Girl Scout Camp. There has been some discussion between the Township Solicitor and a representative of Toll Brothers as to what might be permitted under the PRD ordinance and R1 zoning. A presentation will be made as to the Township's interpretation of pertinent ordinances at the October Board of Supervisors meeting, then a public meeting will be scheduled in early October where Toll Brothers will present another preliminary proposal. Public discussion will be permitted at that time.

Gloria Terranova asked what ordinances will be discussed. Mr. Shipley replied all the zoning ordinances relating to the Girl Scout Property and the PRD ordinance.

Carol Carter of 9 Summit Drive, wanted to make it clear to the Supervisors that residents of Summit Drive have major safety issues with the use of their street for ingress and egress from any proposed development of the Girl Scout Camp.

To date, subdivision/land development plans have not been filed with the

Township.

### **BILLY HAMMOND FUND**

Phil Wenrich, Emergency Management Coordinator, announced that a Concordville fire fighter, Billy Hammond, recently had been paralyzed. A letter had been sent out advertising a fund raiser and asking for donations. The mailing address is The Billy Hammond Fund, Concordville Fire Co., PO Box 70, Concordville, PA, 19331.

### **VANDALISM – RIDGE ROAD**

Jack Tobin of Ridge Road, asked what the Township is doing to prevent destruction of property within the Township, specifically his mailbox, that he had found in numerous pieces in the road. Mr. Shipley suggested that while the Township was sympathetic to his problem, the issue should be reported to the Postal Service and the State Police.

### **COMCAST FRANCHISE FEES**

Mr. Reiter addressed the cable franchise arrangement with the Township and the resulting franchise fees, which he believes is really a tax on the consumer. Mr. Reiter objected to Comcast collecting what amounts to a tax and then turning it over to the Township, rather than the Township collecting the tax directly. A calculation of the cable tax/franchise fee on a \$300,000 home is approximately \$26.00 per year, with the Township tax being around \$50.00 per year. Mr. Shipley agreed with Mr. Reiter's comments and stated that the matter would be looked into.

### **UPDATE – CORNER OF HEYBURN and RIDGE ROADS**

Mrs. Debbie Reardon stated that the Board had asked to be reminded about the situation at the corner of Heyburn and Ridge Roads. Mr. Thorpe replied that he is attempting to schedule a meeting with PennDOT officials to discuss options. PennDOT has not yet determined who the representative will be.

There is a question as to whether or not changes can be made to further improve the line of sight. Mr. Tobin, the property owner at one corner, stated that the speed of traffic contributes heavily to the problem and signage should be installed indicating "school," "church" and "dangerous intersection." Mr. Tobin further stated that he will resist any attempts by PennDOT to take his ground to improve the intersection. Mr. Thorpe suggested investigating the plan of action prior to any meetings.

### **STATE POLICE REPORT**

No report was available.

### **APPROVAL OF MINUTES – August 6, 2003**

Upon motion and second (Thorpe, D'Elia) the Board of Supervisors approved the minutes of the August 6, 2003 meeting, draft of 9/3/03, subject to revision per Mr. Shipley's comments. Corrected minutes will be reaffirmed next month.

### **REPORTS**

## SUPERVISORS' REPORT

Mrs. Love D'Elia reported that she had attended the National Association of Township Supervisors in Washington, DC. While there, Mrs. Love D'Elia had attended seminars on EPA Voluntary Guidelines for on-site septic management and Stormwater Requirements - Cost Effective Compliance Strategies. Information had been passed on to members of the Sewer Authority.

Mr. Thorpe announced that on Sunday, September 14<sup>th</sup>, the Brandywine Battlefield State Park is sponsoring its annual re-enactment of the Battle of Brandywine, which took place on September 11, 1777. This is a major event involving many volunteers hours. Mr. Thorpe further stated that the park provides the Township with many acres of open space. He asked everyone to encourage the Commonwealth to spend more money to upkeep the area by attending the reenactment.

Mr. Thorpe stated that at least two informational meetings had been held when at least two or more Supervisors were together, along with Richard Jensen, Jim Kelly and Hugh Donaghue regarding Township ordinances and the Camp Sunset Hill property.

The Supervisors had also met for Township Property Committee meetings.

## TREASURER'S REPORT

Mrs. Furlong reported the following balances as of August 31, 2003:

Total all funds:	\$ 841,766.34
Total all deposits to General Fund:	\$ 49,290.50
Total disbursements General Fund:	\$ 44,168.58
Total disbursement Escrow Fund:	\$ 24,590.87

Ms. Love D'Elia stated that a \$1225 invoice from Elko and Associates received in August had been reduced to \$725, representing the billable portion of the invoice. The \$725 charge was included in the Disbursement Report for approval tonight.

## *MOTION TO APPROVE TREASURER'S REPORT*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors voted to approve the Treasurer's Report for August, 2003, and payment of bills in the amount of \$44,168.58, as included in the Disbursement Report dated September 8, 2003.

## ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's report for the month of August, 2003, a copy of which is attached hereto.

Mr. Shipley commented on the fact that the culvert on Heyburn Road still does not seem to be effective in controlling stormwater and perhaps should have been bigger.

## PLANNING COMMISSION

Mr. Taylor presented Planning Commission minutes for the meeting of Wednesday, August 27, 2003, a copy of which follows.

## ZONING HEARING BOARD

Mr. Wandersee was not present, but had submitted a written report, a copy of which follows. Mr. Jensen summarized the report for those present. Mr. Donaghue stated that he had filed an appeal on behalf of the Township from the decision of the Zoning

Hearing Board regarding the Best of Italy variance request.

#### HARB

Mr. Jensen reported that HARB had met during regarding an application filed by the Brandywine Conservancy to repaint the Thomas Wallace house, which is directly next door to Township Hall. HARB members recommended approval of the Certificate of Appropriateness. The Supervisors reviewed the colors to be used.

#### *MOTION TO GRANT CERTIFICATE OF APPROPRIATENESS – Thomas Wallace House*

Upon motion and second (Thorpe, D'Elia), the Supervisors granted a Certificate of Appropriateness for exterior painting of the Thomas Wallace House, Station Way Road.

#### SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for August, 2003, a copy of which follows.

#### BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported on the number of permits that had been issued during the month of August, 2003. A written report reflecting same has been submitted.

An enforcement notice had been issued for Hannum Harley Davidson regarding a rally that had been held that led to the obstruction of Brandywine Drive for vehicular traffic. Mr. Thorpe will submit a written report of the events of that day.

#### TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated September 8, 2003, a copy of which follows.

#### *MOTION TO APPROVE ESCROW RELEASE #1 – Designed Realty/Saunders Estate*

Upon motion and second (Shipley, D'Elia), the Board of Supervisors approved the first security escrow release for public improvements in the amount of \$16,087.50 for Designed Realty, upon the recommendation of Township Engineer James C. Kelly and subject to payment of any outstanding invoices.

#### *MOTION TO APPROVE ESCROW RELEASE #1 – Lindry, Inc./Cornerstone*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors approved the first security escrow release for public improvements in the amount of \$8,343.00 for Cornerstone, upon the recommendation of Township Engineer James C. Kelly and subject to payment of any outstanding invoices

#### *MOTION TO APPROVE FINAL PAYMENT – Rittenbaugh, Inc./Heyburn Road Culvert*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors approved payment of \$6596.00, with said check to be held by the Township Secretary until the Township Engineer verifies that the maintenance bond is in proper form.

#### RESPONSES TO MINOR ACT 537 REVISION PLAN

Mr. Kelly's report included copies of letters making public comments to the Plan from Mrs. Marietta Tobin, Raven Crest Home Owner's and Jeremy and Naomi Turner and one letter without signature. Such comments and the required responses must be included

with the plan to DEP. Mr. Kelly suggested postponing adoption of any resolution until October 1<sup>st</sup> in order to give Township officials time to review those comments.

#### SOLICITOR'S REPORT

Mr. Donaghue deferred remarks until New Business.

#### OPEN SPACE COMMITTEE

Mrs. Debbie Reardon reported that a meeting had not been held during August. Mrs. Reardon had questions regarding the upcoming referendum. Mr. Shipley suggested that members of the Committee draft the suggested referendum including the milage rate. Ms. Love D'Elia will act as a liason between the Board and the Open Space Committee. Mr. Donaghue will provide both Mrs. Reardon and Mrs. Love D'Elia with copies of the pertinent time requirements.

#### TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe presented the Township Property Planning Workgroup report for the meeting of August 8, 2003, a copy of which follows.

Mr. Thorpe also commented on the presentation that had been made by Mr. Milner and asked residents for old pictures of both Turner's Mill and Mother Archie's. Gale Force suggested that the Township contact Mr. Baldwin for possible pictures. Those present, including Richard Schwartzman of the Chadds Ford Post, were asked to spread the word.

#### EMERGENCY MANAGEMENT COORDINATOR

No report was available.

#### FIRE MARSHALL

Mr. Shipley resigned his responsibilities regarding the fire marshall issue and suggested that another Supervisor move forward with the issue if they like. Mr. Shipley plans to vote against a fire marshall position for the Township at the appropriate time, feeling that Mr. Jensen is adequately handling those responsibilities. Mr. Thorpe voiced his opinion that some conclusion should be made to the process and will move forward with the matter. Mrs. Love D'Elia expressed concern that Mr. Jensen's time will be even more limited with proposed new developments and suggested that another person would be valuable to handle those additional issues.

#### FINANCIAL ADVISORY BOARD

Ms. Love D'Elia stated that the Financial Advisory Board had met on August 21, 2003, at the Township Hall. Issues raised by Elko and Associates in a management letter some time ago have been resolved. Also, the Financial Advisory Board saw no need for Phase II training that had been suggested by Elko and plans to use the financial expertise of Township residents and the Secretary/Treasure instead. An Escrow Manager is being added to QuickBooks. Issues being addressed by the Township Solicitor involved the responsiveness of the Tax Collector and a proposed impact fee resolution. Mrs. Love D'Elia also reported that the Township had not been reimbursed funds from Sewer Authority for the last quarter of 2001, in the amount of \$39,871.35. The Sewer Authority had agreed to do so. The Financial Advisory Board is still in negotiation for an auditor for 2003 and is attempting to resolve some fee issues.

## **OLD BUSINESS**

There was no old business for discussion.

## **NEW BUSINESS**

### **RESOLUTION 2003-21 SUPPORT FOR IMPROVEMENT OF US ROUTE 202**

Mr. Thorpe reported on his attendance at a meeting that had been held in order to coordinate efforts among seven or eight municipalities located between Matlack Road and the Delaware state line, PennDOT officials, and members of Delaware County Planning Commission to discuss the schedule of improvements to US Route 202. A suggested resolution had been circulated among all municipalities for adoption. All resolutions will be forwarded to Representative Stephen Barrar for presentation to PennDOT.

### ***MOTION TO APPROVE RESOLUTION 2003-21***

Upon motion and second (Thorpe, D'Elia), the Supervisors unanimously adopted Resolution 2003-21, expressing support in the improvement of US Route 202 in as expeditious a manner as possible for final design, land acquisition and construction phases of PennDOT's twelve year program for DVRPC's transportation improvement.

Mrs. Susan Darrow expressed her concern with the widening of Brinton's Bridge Road and reminded the Supervisors that a letter had been written to PennDOT regarding her concerns. Mr. Thorpe suggested that was not the purpose of the resolution at hand and that specific issues will be addressed as the project moves forward.

### **ENZO'S SOUTH – REQUEST FOR APPROVAL OF LAND DEVELOPMENT PLAN**

Mr. Donaghue reviewed the plan and notes thereto of applicant Andy Varriale for the development of land on Route 202. Mr. Kelly and Mr. Jensen had no objections.

Mr. Thorpe questioned how residents on Longview Drive will be affected by parking and noise. Mr. Jasinski, the applicant's architect, stated that a partial fence now exists and the landscape plan brings all areas into full compliance with Township ordinances. The Supervisors reviewed plans as submitted by Mr. Jascinski and suggested adding a specific clause to the resolution to address this issue.

### ***MOTION TO ADOPT RESOLUTION 2003-22 ENZO'S SOUTH***

Upon motion and second (Shiple, D'Elia), the Supervisors unanimously approved the preliminary/final land development application of Andy Varriale, Enzo's South for the development of a restaurant and retail space on the indicated 4.3 acres to include and in compliance with conditions 1. through 14. as included therein, and to include a provision that the applicant will add additional screening, including a fence, at any time in the future if the Township finds it appropriate in order to protect adjacent residential areas.

Mr. Varriale agreed to accept the provisions of the plan when asked by Mr. Donaghue.

### **HOLLY TREE DEDICATION – RESOLUTION 2003-25**

Mr. Donaghue reviewed the resolution whereby the Township would accept the deed of dedication of Holly Tree Lane. Mr. Thorpe questioned whether there were any

outstanding invoices. Mrs. Furlong answered that none were outstanding for May, 2002 through the current time, however, she will review financial statements from 1996 through 2002 before any escrow monies are released.

*MOTION TO APPROVE RESOLUTION 2003-25 – DEDICATION OF HOLLY TREE LANE*

Upon motion and second (Shipley, D'Elia), the Board of Supervisors approved Resolution 2003-25 and all conditions as set forth therein

*CALVARY CHAPEL REQUEST FOR ZONING AMENDMENT*

Donald T. Petrosa, Esquire, presented for the applicant, Calvary Chapel of Delaware County, Inc. Calvary Chapel is the equitable owner of Lot 2 and Lot 4 of the Chadds Ford Plaza Subdivision Plan. Mr. Petrosa summarized the proposed educational, philanthropic and religious use and asked the Board of Supervisors to consider amending the current zoning ordinances to permit same.

Mr. Petrosa asked that the Board consider the proposal and authorize the Township Secretary to advertise the notice of public hearing, to send the proposal to both the Chadds Ford Township Planning Commission and the Delaware County Planning Commission, and to place the matter on the November agenda for possible adoption.

Mr. Donaghue had no problems with the suggestion. Ms. Love D'Elia suggested that the property borders a residential area and adequate buffering should be discussed during the planning process. Mr. Thorpe mentioned that such use would be tax exempt. Mr. Shipley was pleased that another church might be coming to Chadds Ford.

*MOTION TO ADVERTISE PUBLIC HEARING*

Upon motion and second (Shipley, D'Elia), the Board moved to proceed with the suggested ordinance and authorized the Township Secretary to advertise a public meeting for November 5, 2003, and to forward the suggested ordinance to both Chadds Ford Township Planning Commission and Delaware County Planning Commission.

*APPLIED CARD – RESOLUTION 2003-24*

Mr. Donaghue reported that in 2001, a land development plan for the applicant had been approved, but those plans did not include some details such as landscaping, nor did the applicant have the necessary variances until August, 2003. Mr. Jensen stated that those plans had expired, thus reaffirmation was necessary and new plans had been submitted.

*MOTION TO ADOPT RESOLUTION 2003-24 – APPLIED CARD SYSTEMS  
PRELIMINARY/FINAL LAND DEVELOPMENT PLANS*

Upon motion and second (Shipley, Thorpe) the Board of Supervisors adopted Resolution 2003-24, approving the preliminary/final land development plan of Applied Card Systems, conditioned upon the requirements set forth therein.



## ADOPTION OF ORDINANCE 101 - BURNING

A public meeting had been held to discuss the proposed ordinance immediately prior to the regular Board of Supervisors meeting.

### *MOTION TO ADOPT ORDINANCE 101 - BURNING*

Upon motion and second (Shipley, Thorpe) the Board unanimously adopted Ordinance 101 to regulate burning in R-1 and R-2 zoning districts, to restrict the location and types of materials to be burned and to establish regulations governing outdoor fires.

## RELEASE OF ESCROW MONIES – VARIOUS DEVELOPMENTS

Mrs. Furlong reviewed several requests for release of escrow funds as follows:

Duncan	-	Plumbing Appeal Escrow	\$ 700.00
PF Properties	-	Grading Escrow	\$ 3750.00
		Minus o/s bills	<u>- 1339.63</u>
		Check amount	\$ 2410.27

### *MOTION TO APPROVE RELEASE OF ESCROW FUNDS*

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved the release of escrow funds in the amounts and to the applicants as listed above, subject to the payment of outstanding invoices to the Township.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 10:38 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary